



UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights
Office of External Civil Rights Compliance

March 22, 2023

In Reply Refer To:

EPA Complaint No. 01R-23-R6

Erin Gaines
Zora Djenohan
Earthjustice
845 Texas Avenue, Suite 200
Houston, Texas 77002
egaines@earthjustice.org
zdjenohan@earthjustice.org

Re: Rejection Without Prejudice of Administrative Complaint

Dear Ms. Gaines and Ms. Djenohan:

On October 26, 2022, the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC), received an administrative complaint filed against the City of Corpus Christi, TX (City). The complaint alleges that the City discriminated against the African American Hillcrest neighborhood on the basis of race in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) et seq., and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7. Specifically, the complaint alleges that the City's continuing policy of promoting the development of a proposed desalination plant in the predominantly African American Hillcrest neighborhood subjects its residents to discrimination on the basis of race.

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. See 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. See 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Id. Third, it must be filed within 180 days of the alleged discriminatory act. See 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. See 40 C.F.R. § 7.15.

In general, OECRC will accept, reject, or refer a complaint after considering the four jurisdictional factors discussed above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unjustified for prudential reasons, OECRC may reject the complaint.

After careful consideration, OECRC is rejecting this complaint without prejudice because the same allegations are under review by the U.S. Department of Housing and Urban Development (HUD). Specifically, on December 12, 2022, HUD accepted the same complaint for investigation. Further, it is our understanding that HUD will provide the Complainants with a comparable resolution process. Accordingly, to avoid duplication of efforts, OECRC is closing this matter administratively as of the date of this letter. OECRC will continue to follow the progress of HUD's investigation closely and provide any support and assistance requested by HUD.

In accordance with the OECRC Case Resolution Manual, a complaint may be re-filed with OECRC within 60 days of receiving notification of the completion of the HUD's resolution process. If the complaint is re-filed, OECRC will proceed with its preliminary review to determine whether the complaint should be accepted, rejected, or referred. Please note that OECRC generally anticipates adopting the decision issued by another federal agency regarding the same allegation. If the complaint is re-filed and accepted, OECRC may evaluate whether any additional action by EPA is needed in this case.

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they either have taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. See 40 C.F.R. § 7.100.

If you have any questions, please contact case managers, Zahra Khan at (202) 564-0460 at khan.zahra@epa.gov or Al Sweeney at (202) 564-7949 at sweeney.alfred@epa.gov, or you may contact me at (202) 809-3297 or hoang.anhthu@epa.gov.

Sincerely,
ANHTHU
HOANG

Anhthu Hoang

Acting Director

Office of External Civil Rights Compliance

Office of Environmental Justice & External Civil
Rights

Digitally signed by
ANHTHU HOANG
Date: 2023.03.22
10:14:19 -04'00'

cc:

Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office

Stacey Dwyer
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 6

James McGuire
Regional Counsel
U.S. EPA Region 6

Christina Lewis, Director
Office of Fair Housing and Equal Opportunity
Fort Worth Regional Office
U.S. Department of Housing and Urban Development

Daria Neal
Deputy Section Chief
Federal Coordination and Compliance Section
Civil Rights Division
U.S. Department of Justice